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Attorneys for Defendants/Cross-Claimants
JOHN M. AND FLORENCE E. BRYAN
TRUST

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re Case No. 05-14659

THE LEGACY ESTATE GROUP, LLC,
formerly doing business as FREEMARK
ABBEY WINERY, BYRON VINEYARD &
WINERY, and ARROWOOD VINEYARD &
WINERY

Debtor

Adv. No. 06-01173

OFFICIAL COMMITTEE OF UNSECURED
CREDITORS OF THE LEGACY ESTATE
GROUP, LLC,

Plaintiff,

v.

MOTION TO WITHDRAW REFERENCE

JOHN M. BRYAN, JOHN M. AND
FLORENCE E. BRYAN TRUST, J.M. BRYAN
FAMILY TRUST, KULWINDER SIDHU,
DEVINDER SIDHU, PACIFIC PARAGON
INVESTMENT FUND LTD, a British Columbia
company, HARRY CHEW, and AIC CAPITAL
PARTNERS, LLC, a California limited liability
company

Defendants.

JOHN M. BRYAN, JOHN M. AND
FLORENCE E. BRYAN TRUST, J.M. BRYAN
FAMILY TRUST,

Defendants/Cross-Claimants,

v.

KULWINDER SIDHU, DEVINDER SIDHU,
PACIFIC PARAGON INVESTMENT FUND
LTD, a British Columbia company, HARRY
CHEW, AIC CAPITAL PARTNERS, LLC, a
California limited liability company, and
LAMINAR DIRECT CAPITAL, L.P., a Texas
limited partnership

Defendants/Cross-Defendants.

The Motion of Defendants John M. Bryan, John M. and Florence E. Bryan Trust (the “JFB Trust”), and J.M. Bryan Family Trust (the “JMB Trust”) (collectively, the “Bryan Defendants”) to withdraw the reference respecting the above lawsuit pursuant to 28 U.S.C. § 157(d) and Bankruptcy Local Rule 5011-2 respectfully represents as follows:

1. The JFB Trust has a right to trial by jury in the District Court. Withdrawal of the reference is appropriate in order to preserve and protect that right.

2. The Bankruptcy Court has indicated that in response it might sever parties and bifurcate the lawsuit into identical halves, one including and one excluding the JFB Trust. Such severance is inappropriate because:

a. If principles of issue preclusion are applied, the Bankruptcy Court would control the result of the District Court litigation.

1 b. If principles of issue preclusion are not applied, the parties face the prospect of
2 inconsistent results in the two trials.

3 c. In any event, the parties and the Courts will face the burden, expense and delay
4 of conducting two substantially identical trial among the same parties and about the same
5 operative facts.

6 Withdrawal of the reference is appropriate to prevent such severance and bifurcation.

7 3. This Motion shall be supported by the instant Motion, the Memorandum of Points and
8 Authorities in Support of Motion to Withdraw the Reference, the Declaration of John M. Bryan in
9 Support of Motion to Withdraw the Reference, the Request for Judicial Notice in Support of Motion
10 to Withdraw the Reference and such other and further evidence and argument as may be presented at
11 or before the hearing hereon.

12 Respectfully submitted,

13 ST. JAMES LAW, P.C.

14 NIXON PEABODY LLP
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17 DATED: May 23, 2007

18 By: /s/ Michael St. James

19 Michael St. James
20 Glenn E. Westreich
21 Rosalyn P. Mitchell
22 Attorneys for Defendants/Cross-Claimants
23 JOHN M. BRYAN, JOHN M. AND
24 FLORENCE E. BRYAN TRUST,
25 J.M. BRYAN FAMILY TRUST
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